

### **REMARKS**

Claims 1-24 are pending in the above-identified application. Claims 1-24 were rejected. With this Amendment After Final, no claims are added or canceled, thus claims 1-24 remain at issue. Claims 3, 8, 13, and 18 are amended to remove “default” as value. This minor amendment should not require further search or consideration. No independent claims are amended.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Lee et al.* (U.S. Patent Pub. No. 2002/0169788, hereinafter “*Lee*”). Applicants respectfully traverse this rejection. Again, Applicants note that this rejection is listed under a heading that says “Claim Rejections - §102.” Clarification as to whether the rejection is under § 103 or §102 is requested for the record.

In Response to Applicants’ previous arguments that *Lee* fails to teach or suggest “modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request, wherein *the one or more state attributes indicates a last action taken on a corresponding data element*” (emphasis added), the Examiner now relies on the *Lee* Provisional Application to meet this limitation. The Examiner asserts that the emphasized limitation is taught by the *Lee* Provisional Application at “page 21, 1.2 Our Approach.” Applicants presume the Examiner means page 3, where the 4<sup>th</sup> bullet under “1.2 Our Approach” states “The data stored in the relational tables can be synchronized with the data stored in the XML documents. That means,

whenever there is a data update happened at the relational tables, the update is also reflected in the XML documents, and the XML documents are still valid.”

Claim 1 is directed to managing a plurality of nodes in a layered hierarchically organized database, and managing the nodes using XML state attributes. The *Lee Provisional Application* discloses the opposite, which is updating XML documents after changes to relational changes. Accordingly, the *Lee Provisional Application* discloses something entirely different than what is claimed by the Applicants. Furthermore, even if the *Lee Provisional Application* did disclose managing a plurality of nodes in a layered hierarchically organized database, and managing the nodes using XML state attributes, the *Lee Provisional Application* does not teach or suggest a state attribute that indicates a last action taken. The *Lee Provisional Application* merely discloses the update of data. There is no state attribute, for example, that indicates whether data was replaced or deleted. For at least this reason, *Lee* and the *Lee Provisional Application* fail to teach or suggest every limitation of claim 1.

Because the Examiner chose to rely on the *Lee Provisional Application* in responding to Applicants arguments, the Examiner did not specifically rebut Applicants’ previous assertions, which are repeated below for the Examiner’s convenience.

Applicants respectfully submit that *Lee* fails to teach or suggest every limitation of claim 1. For example, *Lee* fails to teach or suggest “modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request, wherein the one or more state attributes indicates a last action taken on a corresponding data element.” The Examiner contends this limitation is taught by paragraphs 0233-0235 of *Lee*. Applicants respectfully disagree. *Lee* discloses

“loading actions” that “describe how to fill the data in” “pattern mapping table into relational tables” for a “relational database”. See paragraph 0233 of *Lee*. The loading actions include a create action for creating a new tuple, and an update action for updating that tuple with the value of an attribute in an XML tree. See paragraphs 0234 and 0235 of *Lee*. However, *Lee* says nothing of “one or more state attributes indicates a last action taken on a corresponding data element.” Applicants note the XML tree of *Lee*, which describes the attributes, does not include any state attributes whatsoever. See Figure 14 of *Lee*. Moreover, the update loading action is merely an instruction to update a table with an attribute value, and cannot be construed as a state attribute that “indicates a last action taken on a corresponding data element.” Applicants further note that paragraph 0254 of *Lee* also fails to disclose a state attribute that “indicates a last action taken on a corresponding data element.”

Thus, Applicants respectfully submit that the features recited by claim 1 are neither taught nor suggested by *Lee*. Therefore, *prima facie* obviousness has not been established, and Applicants respectfully request that the rejection of claim 1 be withdrawn. With respect to claims 2-5, these claims depend from claim 1, and are therefore patentable at least for the same reasons.

For reasons stated above with respect to claim 1, Applicants submit that the rejection of independent claims 6, 11 and 16 should be withdrawn. With respect to claims 7-10, 12-15, 17-20, and 21-24, these claims depend from claims 6, 11, and 16 respectively, and are therefore patentable at least for the same reasons.

Furthermore, *Lee* fails to teach or suggest that “each one of said state attributes includes a value of one of replaced, modified, and deleted,” as recited in claims 3, 8, 13, and 18.

Applicants respectfully submit that this limitation is allowable in view of the present amendments.

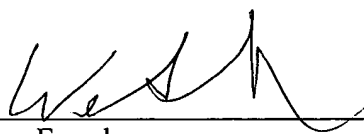
Furthermore, *Lee* fails to teach or suggest that a “layered hierarchically organized database includes an organizational format corresponding to an organizational layout of an enterprise,” as recited in claims 21-24. The Examiner does not even attempt to point out where or how the reference teaches or suggests the above limitation. “When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” 37 C.F.R. § 1.104(c). Moreover, the Examiner did not address these claims in the Response to Arguments. Thus, Applicants’ previous assertion that the rejection of claims 21-24 is erroneous is not rebutted. To advance prosecution and clarify the record for appeal, Applicants respectfully request that the Examiner show explicitly where and how *Lee* teaches or suggests that a “layered hierarchically organized database includes an organizational format corresponding to an organizational layout of an enterprise.”

**II. Conclusion**

In view of the above amendments and remarks, Applicants submits that all claims are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: March 23, 2007

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